

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States was communicated to the House by Miss Kaitlyn Roberts, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

CRIMINAL JUDICIAL
ADMINISTRATION ACT OF 2020

Ms. GARCIA of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8124) to amend title 18, United States Code, to provide for transportation and subsistence for criminal justice defendants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Criminal Judicial Administration Act of 2020”.

SEC. 2. TRANSPORTATION AND SUBSISTENCE
FOR CRIMINAL JUSTICE ACT DEFENDANTS.

Section 4285 of title 18, United States Code, is amended in the first sentence—

(1) by striking “when the interests of justice would be served thereby and the United States judge or magistrate judge is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own” and inserting “when the United States judge or magistrate judge is satisfied that the defendant is indigent based on appointment of counsel pursuant to section 3006A, or, after appropriate inquiry, that the defendant is financially unable to provide necessary transportation on his own”; and

(2) by striking “to the place where his appearance is required,” and inserting “(1) to the place where each appearance is required and (2) to return to the place of the person’s arrest or bona fide residence,”;

(3) by striking “to his destination,” and inserting “which includes money for both lodging and food, during travel to the person’s destination and during any proceeding at which the person’s appearance is required”.

SEC. 3. EFFECTIVE USE OF MAGISTRATE JUDGES
TO DECIDE POSTJUDGMENT MOTIONS.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in the second sentence, by striking “and” after “trial, judgment,”;

(B) in the second sentence, by inserting “, and rulings on all post-judgment motions” after “sentencing”;

(C) in the third sentence, by striking “and” after “trial, judgment,”; and

(D) in the third sentence, by inserting “, and rulings on all post-judgment motions” after “sentencing”;

(2) in subsection (c), by striking “, with the approval of a judge of the district court,”; and

(3) by inserting after subsection (i) the following:

“(j) A magistrate judge who exercises trial jurisdiction under this section, in either a petty offense case or a misdemeanor case in which the defendant has consented to a magistrate judge, may also rule on all post-judgment motions in that case, including but not limited to petitions for writs of habeas corpus, writs of coram nobis, motions to vacate a sentence under section 2255 of title 28, and motions related to mental competency under chapter 313 of this title.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. GARCIA) and the gentleman from Pennsylvania (Mr. RESCHENTHALER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. GARCIA of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. GARCIA of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8124, the Criminal Judicial Administration Act of 2020 is a bipartisan piece of legislation that makes two very modest but important amendments to current law, promoting the efficient, effective, and fair administration of justice.

The first part of this bill concerns out-of-custody criminal defendants, particularly those who are released pending trial to live in communities that are located far from the courthouse where their cases are being heard.

The majority of Federal criminal defendants are detained pending trial, and the United States Marshals Service is responsible for housing and transporting them to court hearings, including trial. In addition, under current law, the court may order the U.S. marshals to provide funds for a criminal defendant who is released pending trial but cannot afford the cost of travel to cover the defendant’s travel to the location of the courthouse for hearings or trial.

However, the defendant must fund their own way back home, and a defendant in this position would not be able to receive financial support from the U.S. marshals for subsistence, such as lodging and meals. For an indigent defendant, these costs are sometimes insurmountable.

For instance, a defendant from Hawaii who must attend their 2-week trial in the Southern District of New York, would have to figure out how to pay for 2 weeks of lodging in New York City, or a defendant released to live at

home on the Navajo Reservation, who has a pretrial hearing at the Federal courthouse in Phoenix, Arizona, may not be able to afford gas for the 6-hour ride back home.

For years, our Federal courts have struggled with how to assist indigent defendants when they find themselves in these difficult situations. But unfortunately, the courts’ efforts have come up against the text of the statute. This bill would authorize courts in the interest of justice to order the U.S. marshals to cover roundtrip travel and subsistence for defendants who must attend court hearings but cannot afford to pay this on their own. The Judicial Conference of the United States has urged us to correct this grave unfairness. I am pleased to see that we are finally doing that with this bill.

The second part of this bill concerning Federal magistrate judges is also supported by the Judicial Conference. Magistrate judges have trial jurisdiction over certain misdemeanors, except for class A misdemeanors, for which the maximum sentence is up to 1 year in custody. With a defendant’s consent, however, a magistrate judge may exercise trial jurisdiction over a case involving a class A misdemeanor.

Magistrate judges frequently do so and often hear class A misdemeanor cases all the way through judgment and sentencing. Under current law, a magistrate’s jurisdiction ends after judgment is entered in a misdemeanor case and post-judgment jurisdiction reverts to the district court.

Indeed, magistrate judges are not authorized to hear post-judgment motions, such as motions to vacate a sentence, even though they are the ones that handled the entire matter at the trial level and are best equipped to hear such post-judgment motions.

Among other things, this bill would authorize a magistrate judge to hear post-judgment motions in misdemeanor cases in which she or he exercised trial jurisdiction. This amendment clearly improves judicial economy. It makes perfect sense. This is a straightforward and bipartisan measure that will help our criminal justice system in a more effective and fair manner.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8124, the Criminal Judicial Administration Act of 2020.

This bill strengthens existing laws about transportation and subsistence for indigent criminal defendants. It does this when they are brought to court proceedings.

H.R. 8124 allows a magistrate judge to decide post-judgment motions in a misdemeanor case where the magistrate judge was the judge who handled the underlying misdemeanor case.

This bill will also improve the efficiency of our court systems by allowing our courts to manage caseloads in a more efficient and economic manner.

I thank the bipartisan effort of my colleagues, the sponsors of this legislation, Representatives JEFFRIES and ROBY.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Ms. GARCIA of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman from Texas for her leadership and for yielding.

Mr. Speaker, I rise in support of H.R. 8124, the Criminal Judicial Administration Act of 2020.

This bipartisan bill will bring more efficiency and fairness to the criminal justice system by making two commonsense improvements to the administration of justice in America.

First, the bill would authorize courts to direct the U.S. Marshals Service to provide subsistence and return transportation to the very small group of noncustodial defendants who are required to travel to court proceedings but are financially unable to cover the costs of doing so. While current law provides subsistence and travel to proceedings, there is a gap in the statute.

H.R. 8124 will expand the statute to cover transportation, lodging, and food for defendants who are innocent until proven guilty, as they return home from these proceedings.

Second, the bill will authorize magistrate judges to decide post-judgment motions in misdemeanor cases in which they have already exercised trial jurisdiction. Magistrate judges try and sentence individuals in misdemeanor cases, but to consider a post-judgment motion, current law requires a referral by a district judge or the party's consent.

This provision in H.R. 8124 will facilitate judicial economy and help reduce the caseloads of Article III district court judges by removing this requirement. The more efficient we can make our court system, the more effective and just it will be. These two non-controversial changes would meaningfully improve the ability of our Federal courts to deliver equity and justice to the people that they serve.

The Judicial Conference of the United States, the national policymaking body for our Federal court system, supports this important and necessary legislation.

I thank the Committee on the Judiciary, and both sides of the aisle, for approving this bill by voice vote last month.

I would also like to thank my colleague and partner, Representative MARTHA ROBY, the ranking member of the Subcommittee on Courts, Intellectual Property, and the Internet, for partnering with me on this effort.

I urge all of my colleagues to vote "yes" on H.R. 8124.

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Mr. RESCIENTHALER. Madam Speaker, I reserve the balance of my time.

Ms. GARCIA of Texas. Mr. Speaker, the Criminal Judicial Administration Act of 2020 is a modest but important bill. I commend our colleagues, Representatives JEFFRIES and ROBY, for their leadership in bringing these important issues to our attention.

I strongly urge my colleagues to join me in supporting this bipartisan bill, and I yield back the balance of my time.

Mr. RESCIENTHALER. Mr. Speaker, I just want to say that, once again, I urge my colleagues to vote "yes" on H.R. 8124, the Criminal Judicial Administration Act of 2020, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. GARCIA) that the House suspend the rules and pass the bill, H.R. 8124, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTING THE HEALTH AND WELLNESS OF BABIES AND PREGNANT WOMEN IN CUSTODY ACT

Ms. BASS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7718) to address the health needs of incarcerated women related to pregnancy and childbirth, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting the Health and Wellness of Babies and Pregnant Women in Custody Act".

SEC. 2. DATA COLLECTION.

(a) IN GENERAL.—Beginning not later than 1 year after the date of the enactment of this Act, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10132), the Director of the Bureau of Justice Statistics shall include in the National Prisoner Statistics Program and Annual Survey of Jails statistics relating to the health needs of incarcerated pregnant women in the criminal justice system at the Federal, State, tribal, and local levels, including—

(1) demographic and other information about incarcerated women who are pregnant, in labor, or in postpartum recovery, including the race, ethnicity, and age of the pregnant woman;

(2) the provision of pregnancy care and services provided for such women, including—

(A) whether prenatal, delivery, and post-delivery check-up visits were scheduled and provided;

(B) whether a social worker, psychologist, doula or other support person, or pregnancy

or parenting program was offered and provided during pregnancy and delivery;

(C) whether a nursery or residential program to keep mothers and infants together post-delivery was offered and whether such a nursery or residential program was provided;

(D) the number of days the mother stayed in the hospital post-delivery;

(E) the number of days the infant remained with the mother post-delivery; and

(F) the number of days the infant remained in the hospital after the mother was discharged;

(3) the location of the nearest hospital with a licensed obstetrician-gynecologist in proximity to where the inmate is housed and the length of travel required to transport the inmate;

(4) whether a written policy or protocol is in place to respond to unexpected childbirth, labor, deliveries, and medical complications related to the pregnancies of incarcerated pregnant women and for incarcerated pregnant women experiencing labor or medical complications related to pregnancy outside of a hospital;

(5) the number of incarcerated women who are determined by a health care professional to have a high-risk pregnancy;

(6) the total number of incarcerated pregnant women and the number of incarcerated women who became pregnant while incarcerated;

(7) the number of incidents in which an incarcerated woman who is pregnant, in labor, or in postpartum recovery is placed in restrictive housing, the reason for such restriction or placement, and the circumstances under which each incident occurred, including the duration of time in restrictive housing, during—

(A) pregnancy;

(B) labor;

(C) delivery;

(D) postpartum recovery; and

(E) the 6-month period after delivery; and

(8) the disposition of the custody of the infant post-delivery.

(b) PERSONALLY IDENTIFIABLE INFORMATION.—Data collected under this paragraph may not contain any personally identifiable information of any incarcerated pregnant woman.

SEC. 3. CARE FOR FEDERALLY INCARCERATED WOMEN RELATED TO PREGNANCY AND CHILDBIRTH.

(a) IN GENERAL.—The Director of the Bureau of Prisons shall ensure that appropriate services and programs are provided to women in custody, to address the health and safety needs of such women related to pregnancy and childbirth. The warden of each Bureau of Prisons facility that houses women shall ensure that these services and programs are implemented for women in custody at that facility.

(b) SERVICES AND PROGRAMS PROVIDED.—The Director of the Bureau of Prisons shall ensure that the following services and programs are available to women in custody:

(1) ACCESS TO COMPLETE APPROPRIATE HEALTH SERVICES FOR THE LIFE CYCLE OF WOMEN.—The Director of the Bureau of Prisons shall provide to each woman in custody who is of reproductive age pregnancy testing, contraception, and testing for sexually transmitted diseases and provide each woman with the option to decline such services.

(2) COMPLIANCE WITH PROTOCOLS RELATING TO HEALTH OF A PREGNANT WOMAN.—On confirmation of the pregnancy of a woman in custody by clinical diagnostics and assessment, the chief health care professional of a Bureau of Prisons facility that houses women shall ensure that a summary of all appropriate protocols directly pertaining to the safety and well-being of the woman are